

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RHONDA TINSLEY,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C18-5867 JCC

ORDER DENYING APPLICATION
TO PROCEED IN FORMA
PAUPERIS

Plaintiff seeks to proceed *in forma pauperis* for an action seeking judicial review of the administrative decision denying her application for Social Security benefits. Dkt. 1. For the reasons discussed below, the court DENIES plaintiff's application to proceed *in forma pauperis*.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant must show that he or she “cannot because of his [or her] poverty pay or give security for the costs and still be able to provide himself [or herself] and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

1 Plaintiff has not shown that she is unable to pay the full filing fee to proceed with this
2 lawsuit. She states that she and her husband have monthly income of \$4,226.00 and monthly
3 expenses of \$2,683.00. Dkt. 1 at 1-2. This would leave approximately \$1,543.00 available per
4 month. The Court also notes that plaintiff failed to fill in the amount in her and/or her spouse's
5 checking account, if any. Dkt. 1 at 2. Under the circumstances, the Court finds plaintiff has
6 failed to demonstrate that she "cannot because of [her] poverty pay or give security for the costs
7 and still be able to provide [herself] and dependents with the necessities of life." *See Adkins*, 335
8 U.S. at 339 (internal alterations omitted). Should additional information or clarification alter the
9 situation, plaintiff may reapply to proceed *in forma pauperis*.

10 Accordingly, plaintiff's application to proceed *in forma pauperis* is DENIED WITHOUT
11 PREJUDICE. Plaintiff has 30 days from the date of this order to pay the full filing fee or reapply
12 to proceed *in forma pauperis*. If the filing fee or a new application is not received within 30
13 days, the clerk's office is instructed to dismiss this action WITHOUT PREJUDICE.

14 DATED this 30th day of October, 2018.

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17 John C. Coughenour
18 UNITED STATES DISTRICT JUDGE
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